	Case 2:12-cv-01317-JCM-PAL	Documen	t 11 Filed 04/15/13 Page 1 of 4	
1	Kirby Spencer		This is the state of the state	
2	2654 W Horizon Ridge Pkwy B-5 #334		ZO13 APR 15 P 3: 12	
3	Henderson, NV 89052 702-825-0252		DISTRICT OF RELIGIOUSE	
4	kirby.teamworx@gmail.com		DY - DEPUTY	
5	LIMITED 6			
6	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEVADA			
7	LA	S VEGAS I	DIVISION	
8				
9	KIRBY SPENCER)		
10	Plaintiff,)	Case No. 2:12-cv-01317-JCM-PAL	
11	vs.)	MOTION FOR CHMMADY HIDOMENIT	
12	vs.) MOTION FOR SUMMARY JUDGMENT DIVERSIFIED ADJUSTMENT SERVICE, INC.)			
13	Defendant.)		
14	Defendant.)		
15)		
16		į		
17)		
18)		
19				
20				
21	COMES NOW Plaintiff Kirby Spencer, who moves for Summary Judgment in the Complaint			
22	2:12-cv-01317-JCM-PAL pursuant to Fed. R. Civ. P. 56. This is an action brought under 47			
23	U.S.C. § 227 Telephone Consumer P	U.S.C. § 227 Telephone Consumer Protection Act ("TCPA").		
24	CLAIM UPON W	HICH JUDO	GMENT IS SOUGHT	
25	A. Plaintiff is entitled to Summary Judgment on Claim 1:			
26				
27	1. Defendant violated Telephone C 227(b)(1)(B).	onection Pra	ectices Act ("TCPA") 47 U.S.C. §	
28	221(0)(1)(0).			

CONCLUSION

Defendant has been served with the Summons and Complaint. Defendant has had ample time to review all of the evidence that was requested by counsel and provided by plaintiff during discovery. The defendant has failed to provide any relevant facts or evidence to dispute the evidence. Therefore, based on the irrefutable evidence provided to the defendant and the failure of the defendant to provide any relevant facts and or evidence to dispute the case, plaintiff respectfully requests this court to grant the motion for Summary Judgment in favor of plaintiff Kirby Spencer.

y: Kirly Sperm

DATE: April 12, 2013

1	VERIFICATION OF SUMMARY JUDGMENT AND CERTIFICATION			
2 3	STATE OF NE			
4 5	Plainti	ff, Kirby Spencer, states as follows:		
6 7	1. I	am the Plaintiff in this civil proceeding.		
8 9 10	la	his civil Summary Judgment is well grounded in fact and warranted by existing w or by a good faith argument for the extension, modification or reversal of sisting law.		
11 12 13 14 15	ha ne	nis civil Summary Judgment is not interposed for any improper purpose, such as to arass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a redless increase in the cost of litigation to any Defendant(s), named in the unmary Judgment.		
16 17 18	İ	nave filed this Summary Judgment in good faith and solely for the purposes set rth in it.		
19 20 21		J.S.C. § 1746(2), I, Kirby Spencer, hereby declare under penalty of perjury that the e, correct and materially complete.		
22 23	By: Kirby	Spencer		
24 25	DATE: <u>4-13</u>	<u>-2013</u>		
26 27				

1 2 **CERTIFICATE OF SERVICE** 3 I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by 4 U.S. Mail 5 to 6 DIVERSIFIED ADJUSTMENT SERVICE, INC. 7 Att: Kathleen Zurek & Mike Holtz 8 600 Coon Rapids Blvd. Coon Rapids, MN 55433 9 and 10 11 CARLSON & MESSER LLP David Kaminski 12 5959 W. Century Blvd. Ste. 1214 Los Angeles, CA 90045 13 310-242-2200 14 kaminskid@cmtlaw.com 15 COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A 16 Gregory A. Kraemer, Esq. 17 Nevada Bar No. 010911 6060 Elton Avenue 18 Las Vegas, NV 89107 702-366-1125 19 gkraemer@cooperlevenson Attorneys for Defendant 20 21 on this 12th day of April, 2013. 22 23 24 25 DATE: 4-12-13 26 27 28